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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  ROBERT EARLE JOHNSON,

12                  Plaintiff,

13                  v.

14                  RON VAN BOENING, *et al.*,

15                  Defendants.

Case No. C08-5428FDB-KLS

ORDER REGARDING SERVICE  
OF SUMMONS AND  
COMPLAINT ON DEFENDANT  
CEDENO

17                  This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §  
18 636(b)(1). Plaintiff has been granted *in forma pauperis* status in this matter. On July 24, 2008, the Court  
19 ordered service of the summons and plaintiff's original complaint on defendant Ruben Cedeno via the  
20 United States Marshal (Dkt. #9). Such service was returned unexecuted on September 10, 2008, however,  
21 as defendant was no longer at the Washington State Department of Corrections ("DOC") address plaintiff  
22 provided for him. (Dkt. #28). This apparently was because defendant Cedeno no longer was an employee  
23 of the DOC at the time. (Dkt. #10).

24                  Defendants, though, did inform the Clerk as to defendant Cedeno's current known contact address.  
25 (*Id.*). On September 23, 2008, the Court issued an order directing plaintiff to provide another copy of the  
26 original complaint and a summons containing the current contact address for defendant Cedeno, so that  
27 service again could be attempted on him. (Dkt. #26). While plaintiff did so on September 29, 2008 (*id.*),  
28 such service apparently was not ordered at the time. The omission was not discovered, however, until late

1 September 2009. By that time, plaintiff had filed an amended complaint with the Court (Dkt. #40). The  
2 Court therefore ordered service of that complaint, along with the summons plaintiff submitted containing  
3 the updated contact address on defendant Cedeno. (*Id.*).

4 That service too was returned unexecuted, however, on July 16, 2009. (Dkt. #69). Although it is  
5 not clear from the return receipt form why service could not be executed, the Court has no other contact  
6 address for defendant Cedeno with which once again to attempt to complete service on him in this case.  
7 Accordingly, because service cannot be effected upon defendant Cedeno, personal jurisdiction over him  
8 does not currently exist in this case, and thus the Court has no authority over him at this time. However,  
9 should plaintiff subsequently provide the Court with a current contact address for defendant Cedeno –  
10 along with a properly completed summons and another copy of the amended complaint – it will have the  
11 United States Marshall once more attempt service thereon.

12 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants. The  
13 Clerk also is directed to send a copy of the unexecuted return receipt form for defendant Cedeno (Dkt.  
14 #69) to plaintiff as well.

15 DATED this 15th day of September, 2009.

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19 Karen L. Strombom  
20 United States Magistrate Judge  
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